



1           2.       **TIMING AND SEQUENCE OF DISCOVERY:** The parties propose the following  
2 discovery schedule:

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- 4           a.       Trial to commence 12 months from the Case Management Conference;
- 5           b.       Phased discovery with “fact” discovery first, and then “expert” discovery
- 6                   second;
- 7           c.       6 months for fact discovery;
- 8           d.       a deadline of 2 weeks after the close of fact discovery to file any fact
- 9                   discovery motions, and to designate experts and produce experts’ reports
- 10                  pursuant to F.R.C.P. 26(a)(2);
- 11           e.       from the fact discovery motions filing deadline, 2 months for expert
- 12                   discovery; and
- 13           f.       a deadline of forty-five days after the close of expert discovery to file
- 14                   any expert discovery motions (this brings the case to a total of 10 months
- 15                   from the November 16, 2007 Case Management Conference).
- 16           g.       Motions in Limine to be heard no later than 21 days prior to trial.
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18           3.       **ORDERS THAT SHOULD BE ENTERED BY THE COURT PURSUANT TO F.R.C.P.**  
19 **26(c) or 16(b) or (c):** Regarding F.R.C.P. 26(c), the parties do not anticipate at this time any  
20 need for protective orders. Regarding F.R.C.P. 16(c), the parties agree that the Local Rules’  
21 pre-trial procedures should be followed. Regarding F.R.C.P. 16(b), LR 16.2CJ.e.2 and the  
22 topics set for discussion at the Case Management Conference pursuant to the Court’s October  
23 23, 2007 Order re Case Management Conference, the parties state as follows:

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- 25           a.       Service of process on parties not yet served. Not applicable.
- 26           b.       Jurisdiction and venue. Not applicable.
- 27           c.       Track assignment. The parties assert that this case is generally
- 28                   appropriate for the Standard Track, subject to the discovery schedule

1 proposed, above. The parties prefer the standard over the expedited  
2 track in part because Defendant resides outside the Commonwealth of  
3 the Northern Mariana Islands and because experts may be needed.

4 d. Anticipated motions. Plaintiff and Defendant may file dispositive  
5 motions.

6 e. Anticipated or remaining discovery, including limitations on discovery.  
7 Please refer to the proposed discovery schedule set forth above. All  
8 parties anticipate the use of experts.

9 f. Further proceedings and scheduling of dates. The parties have no  
10 comments here other than what is discussed above or below in this joint  
11 statement.

12 g. Appropriateness of special procedures. Not applicable.

13 h. Modification of standard pre-trial procedures. The parties agree that the  
14 standard pre-trial procedures under the Local Rules are appropriate in  
15 this case.

16 i. Settlement prospects. Both parties will discuss settlement at an  
17 appropriate time.

18 j. Any other matter conducive to the just, efficient resolution of the case.  
19 Not applicable.

20 k. Setting of date for:

21 1. Joinder of all parties. 120 days.

22 2. Motions to amend. 120 days.

23 3. Discovery cut-off. 6 months for fact discovery, then 2 weeks  
24 for motions regarding fact discovery, then 2 months for expert  
25 discovery and then 45 days for motions regarding expert  
26 discovery, as discussed above.

27 4. Status conferences. As requested by the parties or set by the  
28 Court.

5. Discovery motions hearing date. Pursuant to the Local Rules and the fact and expert discovery motions cut-off dates as discussed above.
6. Dispositive motions filing cut-off 60 days before trial.
7. Motions in Limine to be heard no later than 21 days prior to trial.
8. Dispositive motions hearing date. Pursuant to the Local Rules and the dispositive motions filing cut-off.
9. Settlement conference. As requested by the parties or set by the Court.
10. Joint pre-trial order. 14 days before trial.
11. Final pre-trial conference. 7 days before the trial.
12. Trial. 12 months from the Case Management Conference, and estimated to last approximately 4-5 days.

AGREED THAT THIS STATEMENT ACCURATELY REFLECTS THE POSITION OF THE PARTIES.

/s/ \_\_\_\_\_  
DAVID G. BANES, Esq.  
Counsel for Plaintiff Joseph DLR Gonzales

Date: November 14, 2007.

/s/ \_\_\_\_\_  
R. TODD THOMPSON, Esq.  
Counsel for Defendant Robert Marc Weinberg

Date: November 14, 2007